

AMENDED IN ASSEMBLY MAY 23, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3050**

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**Introduced by Committee on Judiciary (Jones (Chair), Evans,  
Feuer, Krekorian, Laird, Levine, and Lieber)**

February 28, 2008

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An act to add Article 9.6 (commencing with Section 6159.5) to Chapter 4 of Division 3 of the Business and Professions Code, to add Sections 755.1 and 755.2 to the Evidence Code, ~~and to amend Sections 68085.3, 68085.4, 70611, 70612, 70613, and 70614~~ 70614, 70621, 70650, 70651, 70652, 70653, 70654, 70655, 70656, 70658, and 70670 of the Government Code, *to amend Section 103470 of the Health and Safety Code, and to amend Section 7660 of the Probate Code*, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 3050, as amended, Committee on Judiciary. Legal aid: court interpreters.

(1) Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation. Existing law provides that it is the duty of an attorney to, among other things, never reject, for any consideration personal to himself or herself, the cause of the defenseless or oppressed. Existing law provides that a lawyer may fulfill his or her ethical commitment to provide pro bono services, in part, by providing financial support to organizations providing free legal services to persons of limited means.

This bill would prohibit a person or organization that is not a legal aid organization, as defined, from using the term "legal aid," or any variant or similar name in any firm name, trade name, fictitious business

name, or other designation, or on any advertisement, letterhead, business card, or sign. The bill would subject a person or organization that violates this prohibition to specified civil liability.

(2) Existing law provides that in any action or proceeding under specified provisions of the Family Code relating to domestic violence, in which a party does not proficiently speak or understand the English language, and that party is present, an interpreter shall be present to interpret the proceedings in a language that the party understands, and to assist communication between the party and his or her attorney, except that a court may issue prescribed orders ex parte without an interpreter. Existing law specifies that the fees of interpreters in a civil case shall be paid by the parties, except that in the above civil cases those fees shall be waived for parties who need an interpreter and appear in forma pauperis. Existing law gives the Judicial Council specified duties with regard to these provisions. Existing law establishes specified uniform filing fees for civil actions, *including a fee schedule for filing specified documents in connection with a trust or estate*, and provides for the deposit of specified fees in the Trial Court Trust Fund.

This bill would require any civil action or proceeding, in a county determined by the Judicial Council, as specified, in which a party does not proficiently speak or understand the English language and the party is present, except as specified, to have present an interpreter to interpret the proceedings in a language that the party understands and to assist the party in communicating with his or her attorney and the court. The bill would provide that the fee for interpreters mandated by this requirement be paid by the court, and would allow for priority guidelines for interpreter staffing in the event of insufficient funds or interpreters. The bill would require the Judicial Council to develop an implementation plan, a model pilot program, and training guidelines for interpreters related to those provisions, as specified. The bill would also provide that, if a party is charged a fee for interpreter services because sufficient funding or number of interpreters is not available any fees for the interpreter shall be waived for a party who appears in forma pauperis, but would authorize the court, if the party prevails, to assess those fees in the action as specified. The bill would require the Judicial Council to conduct a study of the need for court reporters in civil proceedings and the extent to which the need is being met by the above provisions and would require the Judicial Council to report its findings and recommendations to the Governor and the Legislature on or before March 1, 2011, and every 3 years thereafter. The bill would increase

specified uniform filing fees *by \$10*, the revenue ~~from~~ of which would be deposited into the Trial Court Trust Fund for use by courts providing civil interpreters. *The bill would eliminate the fee schedule for filing specified documents in connection with a trust or estate and replace it with a set filing fee.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature hereby finds and declares all of  
2 the following:

3 (a) California is emblematic of the American dream, a place of  
4 stunning natural beauty, a seat of international commerce, and a  
5 land of unparalleled opportunity. As a result, California is the most  
6 populous and demographically diverse state in the nation, a meeting  
7 place of cultures, ethnicities, and ideas unlike any other in the  
8 world. Of the state's 34 million people, about 26 percent (roughly  
9 8.8 million people) are foreign born. Californians speak more than  
10 220 languages, and 40 percent of the state's population speaks a  
11 language other than English in the home. This extraordinary  
12 diversity is among the state's greatest assets and has helped make  
13 California an international leader in business, the arts,  
14 entertainment, engineering, medicine, and other fields. The state's  
15 diversity also poses unique challenges for the delivery of  
16 government services, particularly for the courts.

17 (b) For Californians not proficient in English, the prospect of  
18 navigating the legal system is daunting, especially for the growing  
19 number of parties who do not have access to legal services and  
20 therefore have no choice but to represent themselves in court,  
21 which is a virtually impossible task for people who are unable to  
22 understand the proceedings. Nearly seven million Californians  
23 cannot access the courts without significant language assistance,  
24 cannot understand pleadings, forms, or other legal documents,  
25 cannot communicate with clerks or court staff, and cannot  
26 understand or participate meaningfully in court proceedings, much  
27 less effectively present their cases without a qualified interpreter.  
28 People with limited English proficiency are also often members  
29 of groups whose cultural traits or economic circumstances make  
30 them more likely to be subjected to legal problems, in part because

1 perpetrators recognize their victims' limited ability to access  
2 judicial protection. It is essential to provide English learners and  
3 other non-English-speaking litigants with interpreters in order to  
4 provide full and equal access to our justice system without regard  
5 to language.

6 (c) The Legislature has previously recognized that the number  
7 of persons with limited English proficiency in California is  
8 increasing and recognized the need to provide equal justice under  
9 the law to all California residents and to provide for their special  
10 needs in their relations with the judicial and administrative law  
11 system. The Legislature has likewise recognized that the effective  
12 maintenance of a democratic society depends on the right and  
13 ability of its residents to communicate with their government and  
14 the right and ability of the government to communicate with them.

15 (d) Inadequate resources to assist litigants with limited English  
16 proficiency affect the court's ability to function properly, causing  
17 delays in proceedings for all court users, inappropriate defaults,  
18 and faulty interpretation that can ultimately subvert justice. Court  
19 interpreter services are a core court function. Our judicial system  
20 relies on the adversarial process in which neutral arbiters decide  
21 disputes based upon competing presentations of facts and law.  
22 Conducting court proceedings when one party is incapable of fully  
23 participating significantly impairs the quality and efficiency of the  
24 process and its results, including compliance with court orders.  
25 The courts have made significant efforts to assist litigants with  
26 limited English proficiency, including steps to increase the number  
27 of certified and registered interpreters and to provide interpreters  
28 in civil cases, if resources are available. Nevertheless, court  
29 proceedings are required to be conducted in English, and most  
30 crucial court forms and documents are available only in English,  
31 while the number of skilled interpreters has actually declined over  
32 the past decade and the number of persons requiring interpreter  
33 services has increased. As a result, a qualified interpreter is not  
34 provided in most civil proceedings.

35 (e) The inability to respond to the language needs of parties in  
36 court impairs trust and confidence in the judicial system and  
37 undermines efforts to secure justice for all. The authority of the  
38 courts depends on public perceptions of fairness and accessibility.  
39 Any significant erosion of public trust and confidence in the  
40 fairness of judicial outcomes threatens the future legitimacy of the

1 legal system. By excluding a large segment of the population from  
2 participation in an institution that shapes and reflects our values,  
3 we threaten the integrity of the judicial process. Resentment  
4 fostered by the inability to access the benefits of the court system  
5 can ultimately impair enforcement of judicial decrees and attenuate  
6 the rule of law.

7 (f) Reliance on untrained interpreters, such as family members  
8 or children, can lead to faulty translations and threaten the court's  
9 ability to ensure justice. Court interpretation is extremely difficult  
10 and takes a rare combination of skills, experience, and training.  
11 Apart from the possibility of fraud, unqualified interpreters often  
12 fail to accurately and comprehensively convey questions and distort  
13 testimony by omitting or adding information, or by stylistically  
14 altering the tone and intent of the speaker, thereby preventing  
15 courts from hearing the testimony properly. These problems  
16 compromise the factfinding process and can result in genuine  
17 injustice.

18 (g) An overwhelming number of Californians believe that  
19 interpreters should be made available to assist non-English speakers  
20 in all court proceedings, and that interpreters should be provided  
21 free of charge to low-income non-English speakers.

22 (h) California law currently mandates appointment of an  
23 interpreter for all witnesses in civil cases, and for parties with  
24 hearing impairments. In addition, California statutes mandate the  
25 appointment of an interpreter in adjudicative proceedings before  
26 state agencies, boards, and commissions at no charge to the parties  
27 whenever a party or the party's witness does not proficiently speak  
28 or understand English. Other states, by contrast, provide both  
29 witnesses and parties with a right to a court-appointed interpreter  
30 in all civil matters at no cost to the party.

31 SEC. 2. It is the intent of the Legislature to encourage the  
32 provision of pro bono legal services and financial support of  
33 nonprofit legal organizations that provide free legal services to  
34 underserved communities.

35 SEC. 3. Article 9.6 (commencing with Section 6159.5) is added  
36 to Chapter 4 of Division 3 of the Business and Professions Code,  
37 to read:

## Article 9.6. Legal Aid Organizations

6159.5. The Legislature hereby finds and declares all of the following:

(a) Legal aid programs provide a valuable service to the public by providing free legal services to the poor.

(b) Private, for-profit organizations that have no lawyers have been using the name “legal aid” in order to obtain business from people who believe they are obtaining services from a nonprofit legal aid organization.

(c) Public opinion research has shown that the term “legal aid” is commonly understood by the public to mean free legal assistance for the poor.

(d) Members of the public seeking free legal assistance are often referred by telephone and other directory assistance information providers to for-profit organizations that charge a fee for their services, and there are a large number of listings in many telephone directories for “legal aid” that are not nonprofit but are actually for-profit organizations.

(e) The Los Angeles Superior Court has held that there is a common law trademark on the name “legal aid,” which means legal services for the poor provided by a nonprofit organization.

(f) The public will be benefited if for-profit organizations are prohibited from using the term “~~legal-aid~~ aid,” *in order* to avoid confusion.

6159.51. For purposes of this article, “legal aid organization” means a nonprofit organization that provides civil legal services for the poor without charge.

6159.52. It is unlawful for any person or organization to use the term “legal aid,” “legal aide,” or any variant or similar name in any firm name, trade name, fictitious business name, or any other designation, or on any advertisement, letterhead, business card, or sign, unless ~~it~~ *the person or organization* is a legal aid organization.

6159.53. (a) Any consumer injured by a violation of Section 6159.52 may file a complaint and seek injunctive relief, restitution, and damages in the superior court of any county in which the defendant maintains an office, advertises, or is listed in a telephone directory.

1 (b) A person who violates Section 6159.52 shall be subject to  
2 an injunction against further violation of Section 6159.52 by any  
3 legal aid organization that maintains an office in any county in  
4 which the defendant maintains an office, advertises, or is listed in  
5 a telephone directory. In an action under this subdivision, it is not  
6 necessary to allege or prove actual damage to the plaintiff, and  
7 irreparable harm and interim harm to the plaintiff shall be  
8 presumed.

9 (c) Attorney's fees shall be awarded to the prevailing plaintiff  
10 in any action under this section.

11 SEC. 4. Section 755.1 is added to the Evidence Code, to read:

12 755.1. (a) In any civil action or proceeding in those specified  
13 counties to be determined by the Judicial Council as provided in  
14 subdivision (c) of Section 755.2, including, but not limited to, any  
15 family court proceeding, any proceeding to determine the mental  
16 competency of a person, or any court-ordered or court-provided  
17 alternative dispute resolution, including mediation and arbitration,  
18 in which a party does not proficiently speak or understand the  
19 English language, and that party is present, an interpreter shall be  
20 present to interpret the proceedings in a language that the party  
21 understands and to assist communication between the party and  
22 his or her attorney or the court. This section does not apply to any  
23 arbitration ordered by the court under Title 9 (commencing with  
24 Section 1280), Title 9.1 (commencing with Section 1295), Title  
25 9.2 (commencing with Section 1296), Title 9.3 (commencing with  
26 Section 1297.11), Title 9.4 (commencing with Section 1298), or  
27 Title 9.5 (commencing with Section 1299), of Part 3 of the Code  
28 of Civil Procedure. Notwithstanding this requirement, a court may  
29 issue an ex parte order pursuant to Sections 2045 and 7710 of, and  
30 Article 1 (commencing with Section 6320) of Chapter 2 of Part 4  
31 of Division 10 of, the Family Code, without the presence of an  
32 interpreter. Unless a party has notified the court that he or she has  
33 made arrangements for a private interpreter, the court shall provide  
34 the interpreter. The interpreter shall be certified pursuant to Article  
35 4 (commencing with Section 68560) of Chapter 2 of Title 8 of the  
36 Government Code, except as provided in subdivision (c) of Section  
37 68561 of the Government Code.

38 (b) (1) Notwithstanding Section 68092 of the Government  
39 Code, fees of interpreters utilized under this section shall be paid  
40 by the court.

1 (2) If sufficient funds are not ~~allocated in the annual Budget~~  
2 ~~Act, produced by court filing fees available pursuant to the model~~  
3 ~~pilot program specified in subdivision (c) of Section 755.2,~~ or  
4 otherwise provided to meet the needs for court interpreters in all  
5 civil actions and proceedings, or if after diligent search a sufficient  
6 number of interpreters is not available for all civil actions and  
7 proceedings, interpreters shall be assigned in the following order  
8 of priority, subject to any rules that the Judicial Council may adopt  
9 to implement the priority guidelines in this section so as to ensure  
10 that court interpreters are provided in civil matters consistently  
11 with sound and efficient court administration and prudent personnel  
12 practices:

13 (A) Parties appearing in forma pauperis or whom the court  
14 otherwise determines are financially unable to pay the cost of an  
15 interpreter in the following order of precedence by case type:

16 (i) Actions and proceedings under Section 527.6 of the Code  
17 of Civil Procedure or under Division 10 (commencing with Section  
18 6200) of the Family Code.

19 (ii) Actions and proceedings under the Uniform Parentage Act  
20 (Part 3 (commencing with Section 7600) of Division 12 of the  
21 Family Code) and actions and proceedings under Part 4  
22 (commencing with Section 7800) of Division 12 of the Family  
23 Code.

24 (iii) Actions and proceedings for dissolution or nullity of  
25 marriage or legal separation of the parties in which a protective  
26 order has been granted or is being sought pursuant to Section 6221  
27 of the Family Code or a protective order has been granted or is  
28 being sought pursuant to Section 136.2 or pursuant to paragraph  
29 (2) of subdivision (a) of Section 1203.097 of the Penal Code.

30 (iv) Actions and proceedings involving the appointment or  
31 termination of a probate guardian under Part 2 of Division 4  
32 (commencing with Section 1500) of the Probate Code.

33 (v) Actions and proceedings relating to unlawful detainer.

34 (vi) Actions and proceedings under the Elder Abuse and  
35 Dependent Adult Civil Protection Act (Chapter 11 (commencing  
36 with Section 15600) of Part 3 of Division 9 of the Welfare and  
37 Institutions Code).

38 (vii) Actions and proceedings involving the appointment of a  
39 guardian or conservator.



1 (viii) Actions and proceedings with respect to claims alleging  
2 violation of civil rights.

3 (ix) Other actions and proceedings in family court.

4 (x) Other actions and proceedings in probate court.

5 (xi) Other limited civil actions and proceedings.

6 (xii) Other unlimited civil actions and proceedings.

7 (B) Parties appearing in propria persona.

8 (C) All other parties.

9 (3) When a court-provided interpreter is assigned to interpret  
10 for a party, an interpreter shall also be provided to any witness  
11 called by that party.

12 (4) If a party is charged a fee specifically for interpreter services  
13 because sufficient funding or number of interpreters is not available  
14 to assign a court-provided interpreter, any fees for the interpreter  
15 shall be waived for a party who needs an interpreter for himself  
16 or herself, or for a witness called by that party, and appears in  
17 forma pauperis pursuant to Section 68511.3 of the Government  
18 Code. If a party whose fees have been waived prevails in the action  
19 or proceeding or obtains a monetary settlement of his or her claims,  
20 the court may assess the amount of the waived fees either against  
21 that party in any manner the court believes is compatible with the  
22 party's financial ability, or assess those fees against another party  
23 against whom the party whose fees and costs have been waived  
24 would have been entitled to recover those fees had they not been  
25 waived, and may order the other party to pay that sum to the court  
26 or to the clerk and serving and levying officers respectively or  
27 order the amount of the waived fees to be added to the judgment  
28 and so identified by the clerk.

29 (5) This section shall not be construed to negate or limit any  
30 right to an interpreter in a civil action or proceeding otherwise  
31 provided by state or federal law.

32 (c) Except as provided in paragraph (3) of subdivision (b), in  
33 any civil action in which an interpreter is required and provided  
34 under this section, the court shall not commence proceedings until  
35 the appointed interpreter is present and situated near the party and  
36 his or her attorney. However, this section shall not prohibit the  
37 court from doing either of the following:

38 (1) Issuing an order when the necessity for the order outweighs  
39 the necessity for an interpreter.

1 (2) Extending the duration of a previously issued temporary  
2 order if an interpreter is not readily available.

3 (d) This section does not prohibit the presence of any other  
4 person to assist a party.

5 (e) The Judicial Council shall draft rules and modify forms  
6 necessary to implement this section, including those for the petition  
7 for a temporary restraining order and related forms, to inform both  
8 parties of their right to an interpreter pursuant to this section.

9 (f) This section shall not be construed to alter the right of an  
10 individual to an interpreter in criminal, traffic or other infraction,  
11 juvenile, or mental competency actions or proceedings.

12 (g) New appointments of court interpreters in civil matters  
13 pursuant to this section shall not result in a reduction in staffing  
14 or compromise the quality of service in criminal, juvenile, or other  
15 types of matters in which appointments have been made.

16 SEC. 5. Section 755.2 is added to the Evidence Code, to read:

17 755.2. (a) The Judicial Council shall conduct a study of the  
18 need for court interpreters in civil proceedings and the extent to  
19 which the need for interpreters is being met pursuant to Section  
20 755.1 and shall report its findings and recommendations to the  
21 Governor and the Legislature on or before March 1, 2011, and  
22 every three years thereafter. The study shall include data showing,  
23 by court, the languages for which parties and witnesses in civil  
24 matters need a court-provided interpreter according to type of  
25 action or proceeding and whether the party appears in propria  
26 persona or in forma pauperis, as well as the extent to which each  
27 of these needs is met by court employees or independent  
28 contractors, certified or registered interpreters or, if not by a  
29 certified or registered interpreter, then the type of case, location,  
30 and language for which the noncertified interpreter was appointed,  
31 that person's qualifications to interpret, and the circumstances  
32 warranting good cause for appointment of a noncertified interpreter;  
33 the amounts expended for each according to court, type of party,  
34 and type of action or proceeding; the cost of failing to provide  
35 interpreters in civil matters, including delays, continuances, faulty  
36 interpretation, inappropriate defaults, and failure to comply with  
37 court orders or instructions; and the fees apportioned and collected  
38 from parties pursuant to paragraph (4) of subdivision (b) of Section  
39 755.1. The report shall include findings and recommendations  
40 regarding the need for additional interpreters and interpreter

1 compensation, whether the availability of interpreters or the  
2 assessment of party fees has an impact on equal access to justice,  
3 and the effect of court interpreters on court administration and  
4 efficiency, including reduced courtroom time for hearings,  
5 increased compliance with orders and court schedules, reduced  
6 case delays, and enhanced coordination between courts and  
7 culturally relevant services in the community.

8 (b) The Judicial Council shall adopt training guidelines so that  
9 each trial court in the specified counties as determined by the  
10 Judicial Council pursuant to subdivision (c), in consultation with  
11 the exclusive representative of interpreters, ensures that court  
12 interpreters receive any training necessary to comply with the  
13 requirements of Section 755.1. Training activities may include,  
14 but are not limited to, video broadcasts, Internet-based training,  
15 and dissemination of written materials.

16 (c) The Judicial Council shall develop an implementation plan  
17 for providing court interpreters in civil matters not currently served,  
18 taking into account available resources. Subject to funding  
19 specifically provided for this purpose, the Judicial Council shall  
20 develop a model pilot program for purposes of Section 755.1 in  
21 ~~one or more sites~~ *selected counties* pursuant to a competitive grant  
22 process and a request for proposals, with priority for unmet needs  
23 in types of case and geographic areas with high concentrations of  
24 limited-English-proficient parties and multiple language needs.  
25 ~~The program or programs~~ *counties* shall be selected by a committee  
26 appointed by the Judicial Council with representation from key  
27 stakeholder groups, such as judicial officers, court interpreters,  
28 legal services providers, and organizations representing individuals  
29 with limited English proficiency. The committee shall assess  
30 applicants' capacity for success, innovation, and efficiency,  
31 including, but not limited to, strategies for collaborating with  
32 organizations representing stakeholders, utilizing local resources,  
33 and methods for addressing the availability of qualified interpreters,  
34 as well as enhancing recruitment, development, and retention of  
35 certified interpreters, particularly for those languages with a  
36 shortage of certified interpreters in the service area.

37 SEC. 6. Section 68085.3 of the Government Code is amended  
38 to read:

39 68085.3. (a) Fees collected under Sections 70611, 70612,  
40 70650, 70651, 70652, 70653, 70655, and 70670 shall be deposited

1 in a bank account established by the Administrative Office of the  
2 Courts for deposit of fees collected by the courts.

3 (b) For each ~~three-hundred-twenty-dollar (\$320) fee and each~~  
4 ~~three-hundred-thirty-dollar (\$330) fee~~ listed in subdivision (a),  
5 and each fee listed in paragraphs (2) to (9), inclusive, of subdivision  
6 (a) of Section 70650, the Administrative Office of the Courts shall  
7 distribute specified amounts in each county as follows:

8 (1) To the county law library fund, the amount described in  
9 Sections 6321 and 6322.1 of the Business and Professions Code.

10 (2) To the account to support dispute resolution programs, the  
11 amount described in Section 470.5 of the Business and Professions  
12 Code.

13 (c) The remainder of the fees in subdivision (a) shall be  
14 transmitted monthly to the Treasurer for deposit. For ~~each~~  
15 ~~three-hundred-twenty-dollar (\$320) fee and each~~  
16 ~~three-hundred-thirty-dollar (\$330) fee~~ listed in subdivision (a),  
17 and each fee listed in paragraphs (2) to (9), inclusive, of subdivision  
18 (a) of Section 70650, the Controller shall make deposits as follows:

19 (1) To the State Court Facilities Construction Fund, as provided  
20 in Article 6 (commencing with Section 70371) of Chapter 5.7,  
21 thirty-five dollars (\$35).

22 (2) To the Judges' Retirement Fund, as established in Section  
23 75100, two dollars and fifty cents (\$2.50).

24 (3) To the Trial Court Trust Fund for use as part of the Equal  
25 Access Fund program administered by the Judicial Council, four  
26 dollars and eighty cents (\$4.80).

27 (4) ~~For each three-hundred-thirty-dollar (\$330) fee only, to~~ To  
28 the Trial Court Trust Fund for use by courts providing civil  
29 interpreters pursuant to ~~Section 755.1~~ *Sections 755.1 and 755.2*  
30 of the Evidence Code, ten dollars (\$10).

31 (5) To the Trial Court Trust Fund, as provided in Section  
32 68085.1, the remainder of the fee.

33 (d) If any of the fees listed in subdivision (a) are reduced or  
34 partially waived, the amount of the reduction or partial waiver  
35 shall be deducted from the amount to be distributed to each fund  
36 or account in the same proportion as the amount of each  
37 distribution bears to the total amount of the fee.

38 (e) As used in this section, "law library fund" includes a law  
39 library account described in Section 6320 of the Business and  
40 Professions Code.

SEC. 7. Section 68085.4 of the Government Code is amended to read:

68085.4. (a) Fees collected under Sections 70613, 70614, 70621, 70654, 70656, and 70658 of this code, Section 103470 of the Health and Safety Code, and Section 7660 of the Probate Code, shall be deposited in a bank account established by the Administrative Office of the Courts for deposit of fees collected by the courts.

(b) For each ~~three-hundred-dollar (\$300) fee, each three-hundred-ten-dollar fee (\$310) fee, each one-hundred-eighty-dollar (\$180) one-hundred-eighty-dollar (\$180) fee, and each three-hundred-ten dollar (\$310) fee and each~~ one-hundred-ninety-dollar (\$190) fee listed in subdivision (a), the Administrative Office of the Courts shall distribute specified amounts in each county as follows:

(1) To the county law library fund, the amount described in Sections 6321 and 6322.1 of the Business and Professions Code.

(2) To the account to support dispute resolution programs, the amount described in Section 470.5 of the Business and Professions Code.

(c) The remainder of the fees in subdivision (a) shall be transmitted monthly to the Treasurer for deposit. For each ~~three-hundred-dollar (\$300) fee, each three-hundred-ten-dollar (\$310) fee, each one-hundred-eighty-dollar (\$180) fee, and each three-hundred-ten dollar (\$310) fee and each~~ one-hundred-ninety-dollar (\$190) fee listed in subdivision (a), the Controller shall make deposits as follows:

(1) To the State Court Facilities Construction Fund, as provided in Article 6 (commencing with Section 70371) of Chapter 5.7, twenty-five dollars (\$25) if the fee is three hundred dollars (\$300), and twenty dollars (\$20) if the fee is one hundred eighty dollars (\$180).

(2) To the Judges' Retirement Fund, as established in Section 75100, two dollars and fifty cents (\$2.50).

(3) To the Trial Court Trust Fund for use as part of the Equal Access Fund program administered by the Judicial Council, four dollars and eighty cents (\$4.80).

(4) ~~For each three-hundred-ten-dollar (\$310) fee and each one-hundred-ninety-dollar (\$190) fee only, to~~ To the Trial Court Trust Fund for use by courts providing civil interpreters pursuant

1 to ~~Section 755.1~~ *Sections 755.1 and 755.2* of the Evidence Code,  
2 ten dollars (\$10).

3 (5) To the Trial Court Trust Fund, as provided in Section  
4 68085.1, the remainder of the fee.

5 (d) If any of the fees listed in subdivision (a) are reduced or  
6 partially waived, the amount of the reduction or partial waiver  
7 shall be deducted from the amount to be distributed to each fund  
8 or account in the same proportion as the amount of each  
9 distribution bears to the total amount of the fee.

10 (e) As used in this section, “law library fund” includes a law  
11 library account described in Section 6320 of the Business and  
12 Professions Code.

13 SEC. 8. Section 70611 of the Government Code is amended  
14 to read:

15 70611. The uniform fee for filing the first paper in a civil action  
16 or proceeding in the superior court, other than in a limited civil  
17 case, an adoption proceeding, a proceeding under the Probate Code,  
18 or a proceeding under the Family Code, is three hundred thirty  
19 dollars (\$330). The fee shall be distributed as provided in Section  
20 68085.3.

21 This section applies to the initial complaint, petition, or  
22 application, and the papers transmitted from another court on the  
23 transfer of a civil action or proceeding, but does not include  
24 documents filed pursuant to Section 491.150, 704.750, or 708.160  
25 of the Code of Civil Procedure.

26 SEC. 9. Section 70612 of the Government Code is amended  
27 to read:

28 70612. (a) The uniform fee for filing the first paper in the  
29 action or proceeding described in Section 70611 on behalf of any  
30 defendant, intervenor, respondent, or adverse party, whether  
31 separately or jointly, except for the purpose of making disclaimer,  
32 is three hundred thirty dollars (\$330). The fee shall be distributed  
33 as provided in Section 68085.3.

34 (b) As used in this section, the term “paper” does not include a  
35 stipulation for the appointment of a temporary judge or of a court  
36 investigator, or the report made by the court investigator.

37 SEC. 10. Section 70613 of the Government Code is amended  
38 to read:

1 70613. (a) The uniform fee for filing the first paper in a limited  
2 civil case is three hundred ten dollars (\$310), except as provided  
3 in subdivision (b).

4 (b) In a case where the amount demanded, excluding attorney's  
5 fees and costs, is ten thousand dollars (\$10,000) or less, the uniform  
6 fee for filing the first paper is one hundred ninety dollars (\$190).  
7 The first page of the first paper shall state whether the amount  
8 demanded exceeds or does not exceed ten thousand dollars  
9 (\$10,000).

10 (c) This section applies to the initial complaint, petition, or  
11 application, and any papers transmitted from another court on the  
12 transfer of a civil action or proceeding, but does not include  
13 documents filed pursuant to Section 491.150, 704.750, or 708.160  
14 of the Code of Civil Procedure.

15 (d) The fee for a paper filed under this section shall be  
16 distributed as provided in Section 68085.4.

17 (e) The fee shall be waived in any action for damages against  
18 a defendant, based upon the defendant's commission of a felony  
19 offense, upon presentation to the clerk of the court of a certified  
20 copy of the abstract of judgment of conviction of the defendant of  
21 the felony giving rise to the claim for damages. If the plaintiff  
22 would have been entitled to recover those fees from the defendant  
23 had they been paid, the court may assess the amount of the waived  
24 fees against the defendant and order the defendant to pay that sum  
25 to the court.

26 SEC. 11. Section 70614 of the Government Code is amended  
27 to read:

28 70614. (a) The uniform fee for filing the first paper in a limited  
29 civil case on behalf of any party other than a plaintiff is three  
30 hundred ten dollars (\$310), except as provided in subdivision (b).

31 (b) In a case where the amount demanded, excluding attorney's  
32 fees and costs, is ten thousand dollars (\$10,000) or less, the uniform  
33 fee for filing the first paper is one hundred ninety dollars (\$190).

34 (c) The fees in this section do not apply to papers filed for the  
35 purpose of making disclaimer.

36 (d) The fee for a paper filed under this section shall be  
37 distributed as provided in Section 68085.4.

38 SEC. 12. Section 70621 of the Government Code is amended  
39 to read:

1 70621. (a) (1) The fee for filing a notice of appeal to the  
2 appellate division of the superior court in a limited civil case is  
3 three hundred *ten* dollars—(~~\$300~~) (*\$310*), except as provided in  
4 subdivision (b).

5 (2) The fee for filing a petition for a writ within the original  
6 jurisdiction of the appellate division of the superior court is three  
7 hundred *ten* dollars—(~~\$300~~) (*\$310*), except as provided in  
8 subdivision (b).

9 (b) If the amount demanded in the limited civil case, excluding  
10 attorney's fees and costs, is ten thousand dollars (\$10,000) or less,  
11 the fee for filing a petition for a writ or a notice of appeal to the  
12 appellate division of the superior court is one hundred ~~eighty~~ *ninety*  
13 dollars—(~~\$180~~) (*\$190*).

14 (c) The fees provided for in this section shall be distributed as  
15 provided in Section 68085.4.

16 (d) The Judicial Council may make rules governing the time  
17 and method of payment of the fees in this section and providing  
18 for excuse.

19 *SEC. 13. Section 70650 of the Government Code is amended*  
20 *to read:*

21 70650. (a) The uniform filing fee for the first petition for letters  
22 of administration or letters testamentary, or the first petition for  
23 special letters of administration with the powers of a general  
24 personal representative pursuant to Section 8545 of the Probate  
25 Code, ~~or a first account of a trustee of a testamentary trust that is~~  
26 ~~subject to the continuing jurisdiction of the court pursuant to~~  
27 ~~Chapter 4 (commencing with Section 17300) of Part 5 of Division~~  
28 ~~9 of the Probate Code is, as follows:~~ *is three hundred thirty dollars*  
29 *(\$330).*

30 ~~(1) Three hundred twenty dollars (\$320) for estates or trusts~~  
31 ~~under two hundred fifty thousand dollars (\$250,000).~~

32 ~~(2) Three hundred eighty-five dollars (\$385) for estates or trusts~~  
33 ~~of at least two hundred fifty thousand dollars (\$250,000) and less~~  
34 ~~than five hundred thousand dollars (\$500,000).~~

35 ~~(3) Four hundred eighty-five dollars (\$485) for estates or trusts~~  
36 ~~of at least five hundred thousand dollars (\$500,000) and less than~~  
37 ~~seven hundred fifty thousand dollars (\$750,000).~~

38 ~~(4) Six hundred thirty-five dollars (\$635) for estates or trusts~~  
39 ~~of at least seven hundred fifty thousand dollars (\$750,000) and~~  
40 ~~less than one million dollars (\$1,000,000).~~



1 ~~(5) One thousand one hundred thirty-five dollars (\$1,135) for~~  
2 ~~estates or trusts of at least one million dollars (\$1,000,000) and~~  
3 ~~less than one million five hundred thousand dollars (\$1,500,000).~~

4 ~~(6) Two thousand one hundred thirty-five dollars (\$2,135) for~~  
5 ~~estates or trusts of at least one million five hundred thousand~~  
6 ~~dollars (\$1,500,000) and less than two million dollars (\$2,000,000).~~

7 ~~(7) Two thousand six hundred thirty-five dollars (\$2,635) for~~  
8 ~~estates or trusts of at least two million dollars (\$2,000,000) and~~  
9 ~~less than two million five hundred thousand dollars (\$2,500,000).~~

10 ~~(8) Three thousand six hundred thirty-five dollars (\$3,635) for~~  
11 ~~estates or trusts of at least two million five hundred thousand~~  
12 ~~dollars (\$2,500,000) and less than three million five hundred~~  
13 ~~thousand dollars (\$3,500,000).~~

14 ~~(9) Three thousand six hundred thirty-five dollars (\$3,635) plus~~  
15 ~~0.2 percent of the amount over three million five hundred thousand~~  
16 ~~dollars (\$3,500,000) for estates or trusts of three million five~~  
17 ~~hundred thousand dollars (\$3,500,000) or more.~~

18 ~~(b) The full uniform filing fee for a petition for letters in a~~  
19 ~~decedent's estate or the first account of a trustee under subdivision~~  
20 ~~(a) shall be determined based on the final appraised value of the~~  
21 ~~estate without reference to encumbrances or other obligations on~~  
22 ~~estate property, or the value of the trust shown in the first account,~~  
23 ~~and is payable as follows:~~

24 ~~(1) The petitioner for letters under subdivision (a) shall pay the~~  
25 ~~sum of three hundred twenty dollars (\$320) at the time of filing~~  
26 ~~the petition.~~

27 ~~(2) In a decedent's estate under subdivision (a), the balance of~~  
28 ~~the uniform filing fee, if any, shall be paid by the general personal~~  
29 ~~representative of the estate no later than the date the general~~  
30 ~~personal representative files its final account or report and petition~~  
31 ~~for settlement or for final distribution, under rules adopted by the~~  
32 ~~Judicial Council, without regard to whether the representative was~~  
33 ~~appointed by the court on a petition under subdivision (a) or a~~  
34 ~~petition under subdivision (d).~~

35 ~~(3) The full uniform filing fee for a trust under subdivision (a)~~  
36 ~~shall be paid when the first account is filed.~~

37 ~~(e)~~

38 ~~(b) The uniform filing fee for the first objections to the probate~~  
39 ~~of any will or codicil under Section 8250 of the Probate Code, or~~  
40 ~~the first petition for revocation of probate of any will or codicil~~

under Section 8270 of the Probate Code, is three hundred ~~twenty~~  
~~thirty~~ dollars ~~(\$320)~~ (\$330). The uniform filing fee for the first  
petition for special letters of administration without the powers of  
a general personal representative is the fee provided in Section  
70657.5. Where objections to the probate of a will or codicil or a  
petition for revocation of probate of a will or codicil are filed  
together with a petition for appointment of a personal representative  
described in subdivision ~~(d)~~ (c) filed by the same person, only the  
fee provided in subdivision ~~(d)~~ (c) shall be charged to that person.

~~(d)~~

(c) A fee of three hundred ~~twenty~~ *thirty* dollars ~~(\$320)~~ (\$330)  
shall also be charged for filing each subsequent petition or  
objections of a type described in subdivision (a) in the same  
proceeding by a person other than the original petitioner or  
contestant. The same fee as provided in subdivision ~~(e)~~ (b) shall  
be charged for filing each subsequent petition or objections of a  
type described in that subdivision in the same proceeding by a  
person other than the original petitioner or contestant.

~~(e)~~

(d) Notwithstanding Section 70658.5, if a petition for special  
letters of administration without the powers of a general personal  
representative is filed together with a petition for appointment of  
an administrator with general powers under subdivision (a) or  
subdivision ~~(d)~~ (c) by the same person, the person filing the  
petitions shall be charged the applicable filing fees for both  
petitions.

~~(f)~~

(e) The ~~first three hundred twenty dollars (\$320)~~ of the filing  
fee charged under this section shall be distributed as provided in  
Section 68085.3. ~~The remainder shall be distributed to the Trial  
Court Trust Fund.~~

*SEC. 14. Section 70651 of the Government Code is amended  
to read:*

70651. (a) The uniform filing fee for objections or any other  
paper in opposition to a petition or account described in subdivision  
(a) of Section 70650, other than a petition described in subdivision  
~~(d)~~ (c) of Section 70650, is three hundred ~~twenty~~ *thirty* dollars  
~~(\$320)~~ (\$330). If objections or any other paper in opposition are  
filed together with a petition described in subdivision ~~(d)~~ (c) of

1 Section 70650 by the same person, only the fee provided in  
2 subdivision ~~(d)~~ (c) of Section 70650 shall be charged to that person.

3 (b) The uniform filing fee charged under this section shall be  
4 distributed as provided in Section 68085.3.

5 *SEC. 15. Section 70652 of the Government Code is amended*  
6 *to read:*

7 70652. (a) The uniform filing fee for each petition concerning  
8 the internal affairs of a trust under Chapter 3 (commencing with  
9 Section 17200) of Part 5 of Division 9 of the Probate Code, is three  
10 hundred ~~twenty~~ *thirty* dollars ~~(\$320)~~ (\$330).

11 (b) The uniform filing fee for each paper filed in opposition to  
12 a petition under subdivision (a) is three hundred ~~twenty~~ *thirty*  
13 dollars ~~(\$320)~~ (\$330).

14 (c) To avoid hardship, or for other good cause, the court may  
15 direct the clerk of the court to refund all or any part of a filing fee  
16 paid under this section.

17 (d) This section does not apply to petitions or opposition filed  
18 concerning trusts created by court order under Article 10  
19 (commencing with Section 2580) of Chapter 6 of Part 3 of Division  
20 4 of the Probate Code, Article 1 (commencing with Section 3100)  
21 of Chapter 3 of Part 6 of Division 4 of the Probate Code, Article  
22 1 (commencing with Section 3600) of Chapter 4 of Part 8 of  
23 Division 4 of the Probate Code, or first accounts or opposition to  
24 first accounts of testamentary trustees described in Sections 70650  
25 and 70651.

26 (e) The uniform filing fee charged under this section shall be  
27 distributed as provided in Section 68085.3.

28 *SEC. 16. Section 70653 of the Government Code is amended*  
29 *to read:*

30 70653. (a) The uniform filing fee for a petition for appointment  
31 of a conservator, a guardian of the estate, or a guardian of the  
32 person and estate, pursuant to Division 4 (commencing with  
33 Section 1400) of the Probate Code, is three hundred ~~twenty~~ *thirty*  
34 dollars ~~(\$320)~~ (\$330).

35 (b) Except as provided in subdivision (f), the uniform filing fee  
36 for objections or any other paper in opposition to a petition under  
37 subdivision (a) or (d) is three hundred ~~twenty~~ *thirty* dollars ~~(\$320)~~  
38 (\$330).

39 (c) If a competing petition for appointment of a guardian or  
40 conservator subject to the fee under subdivision (a) is filed together

1 with opposition to the petition of another by the same person, the  
2 person filing the competing petition and opposition shall be charged  
3 a filing fee only for the competing petition.

4 (d) Notwithstanding Section 70658.5, if a petition for  
5 appointment of a temporary guardian or conservator is filed  
6 together with a petition for appointment of a guardian or  
7 conservator under subdivision (a), or a competing petition under  
8 subdivision (c) by the same person, the person filing the petitions  
9 shall be charged the applicable filing fees for both petitions.

10 (e) The uniform filing fee charged under this section shall be  
11 distributed as provided in Section 68085.3.

12 (f) No fee under this section shall be charged for objections or  
13 any other paper in opposition filed by or on behalf of the proposed  
14 conservatee, or the minor or a parent of the minor who is the  
15 subject of a guardianship proceeding.

16 *SEC. 17. Section 70654 of the Government Code is amended*  
17 *to read:*

18 70654. (a) The uniform filing fee for a petition for appointment  
19 of a guardian of the person only, is one hundred~~eighty~~ *ninety*  
20 dollars~~(\$180)~~ *(\$190)*.

21 (b) Except as provided in subdivision (e), the uniform filing fee  
22 for objections or any other paper in opposition to a petition under  
23 subdivision (a) is one hundred~~eighty~~ *ninety* dollars~~(\$180)~~ *(\$190)*.

24 (c) If a competing petition for appointment of a guardian subject  
25 to the fee under subdivision (a) is filed together with opposition  
26 to the petition of another by the same person, the person filing the  
27 competing petition and opposition shall be charged a filing fee  
28 only for the competing petition.

29 (d) Notwithstanding Section 70658.5, if a petition for  
30 appointment of a temporary guardian is filed together with a  
31 petition for appointment of a guardian under subdivision (a), or a  
32 competing petition under subdivision (c) by the same person, the  
33 person filing the petitions shall be charged the applicable filing  
34 fees for both petitions.

35 (e) No fee under this section shall be charged for objections or  
36 any other paper in opposition filed by or on behalf of the minor or  
37 a parent of the minor who is the subject of the proceeding.

38 (f) The uniform filing fee charged under this section shall be  
39 distributed as provided in Section 68085.4.

(g) No other fees shall be charged for filing a paper under this section in addition to the uniform filing fee provided for in this section.

*SEC. 18. Section 70655 of the Government Code is amended to read:*

70655. (a) The uniform filing fee for a petition that commences any of the proceedings under the Probate Code listed in subdivision (c) is three hundred ~~twenty~~ *thirty* dollars ~~(\$320)~~ *(\$330)*.

(b) The uniform filing fee for objections or any other paper filed in opposition to a petition under subdivision (a) is three hundred ~~twenty~~ *thirty* dollars ~~(\$320)~~ *(\$330)*.

(c) This section applies to petitions or opposition concerning the following proceedings:

(1) A petition for compromise of a minor's claim pursuant to Section 3600 of the Probate Code.

(2) A petition to determine succession to real property pursuant to Section 13151 of the Probate Code.

(3) A spousal or domestic partnership property petition pursuant to Section 13650 of the Probate Code, except as provided in Section 13652 of the Probate Code.

(4) A petition to establish the fact of death to determine title to real property under Section 200 of the Probate Code.

(5) A petition for an order concerning a particular transaction pursuant to Section 3100 of the Probate Code.

(6) A petition concerning capacity determination and health care decision for adult without conservator pursuant to Section 3200 of the Probate Code.

(7) A petition concerning an advance health care directive pursuant to Section 4766 of the Probate Code.

(8) A petition concerning a power of attorney pursuant to Section 4541 of the Probate Code.

(9) A petition for approval, compromise, or settlement of claims against a deceased settlor, or for allocation of amounts due between trusts, pursuant to Section 19020 of the Probate Code.

(10) Any other petition that commences a proceeding under the Probate Code not otherwise provided for in this article.

(d) The uniform filing fee charged under this section shall be distributed as provided in Section 68085.3.

*SEC. 19. Section 70656 of the Government Code is amended to read:*

1     70656. (a) The uniform filing fee for a petition requesting an  
2 order setting aside a decedent's estate of small value pursuant to  
3 Section 6602 of the Probate Code, if no estate proceeding is  
4 pending for the decedent, is one hundred~~eighty~~ *ninety* dollars  
5 ~~(\$180)~~ *(\$190)*.

6     (b) The uniform filing fee for objections or any other paper filed  
7 in opposition to a petition under subdivision (a) is one hundred  
8 ~~eighty~~ *ninety* dollars~~(\$180)~~ *(\$190)*.

9     (c) If a petition or objections or any other paper in opposition  
10 under this section is filed concurrently with a petition for  
11 appointment of a personal representative described in Section  
12 70650, the petitioner or objector shall be charged only for the filing  
13 fee provided in Section 70650.

14     (d) The uniform filing fee charged under this section shall be  
15 distributed as provided in Section 68085.4.

16     (e) Except as provided in subdivision (c), no other fee shall be  
17 charged for filing a paper under this section in addition to the  
18 uniform filing fee provided for in this section.

19     *SEC. 20. Section 70658 of the Government Code is amended*  
20 *to read:*

21     70658. (a) Except as provided in subdivisions (c) and (d), the  
22 uniform fee for filing a petition or application, or objections or  
23 any other paper in opposition to a petition or application listed in  
24 this subdivision, filed after issuance of letters testamentary, letters  
25 of administration, letters of special administration to a personal  
26 representative of a decedent's estate, or letters of guardianship or  
27 conservatorship, or letters of temporary guardianship or  
28 conservatorship to a guardian or conservator, is one hundred~~eighty~~  
29 *ninety* dollars~~(\$180)~~ *(\$190)*. This section shall apply to the  
30 following petitions or applications, or opposition:

31     (1) Petition or application for or opposition to an order directing,  
32 authorizing, approving, or confirming the sale, lease, encumbrance,  
33 grant of an option, purchase, conveyance, or exchange of property.

34     (2) Petition or application for or opposition to an order settling  
35 an account of a fiduciary.

36     (3) Petition or application for or opposition to an order  
37 authorizing, instructing, or directing a fiduciary, or approving or  
38 confirming the acts of a fiduciary.

1 (4) Petition or application for or opposition to an order fixing,  
2 authorizing, allowing, or directing payment of compensation or  
3 expenses of an attorney.

4 (5) Petition or application for or opposition to an order fixing,  
5 authorizing, allowing, or directing payment of compensation or  
6 expenses of a fiduciary.

7 (6) Petition or application for or opposition to an order  
8 surcharging or removing a fiduciary.

9 (7) Petition or application for or opposition to an order  
10 transferring or authorizing the transfer of the property of an estate  
11 to a fiduciary in another jurisdiction.

12 (8) Petition or application for or opposition to an order allowing  
13 a fiduciary's request to resign.

14 (9) Petition or application for or opposition to an order  
15 adjudicating the merits of a claim made under Part 19 (commencing  
16 with Section 850) of Division 2 of the Probate Code.

17 (10) Petition or application for or opposition to an order granting  
18 permission to fix the residence of a ward or conservatee at a place  
19 not within this state.

20 (11) Petition or application for or opposition to an order  
21 directing, authorizing, approving, or modifying payments for  
22 support, maintenance, or education of a ward or conservatee or  
23 for a person entitled to support, maintenance, or education from a  
24 ward or conservatee.

25 (12) Petition or application for or opposition to an order granting  
26 or denying a request under Section 2423, concerning payment of  
27 surplus income to the relatives of a conservatee, or Section 2580,  
28 concerning substituted judgment, of the Probate Code.

29 (13) Petition or application for or opposition to an order affecting  
30 the legal capacity of a conservatee pursuant to Chapter 4  
31 (commencing with Section 1870) of Part 3 of Division 4 of the  
32 Probate Code.

33 (14) Petition or application for or opposition to an order  
34 adjudicating the merits of a claim under Article 5 (commencing  
35 with Section 2500) of Chapter 6 of Part 4 of Division 4 of the  
36 Probate Code.

37 (b) The uniform fee in subdivision (a) shall be distributed as  
38 provided in Section 68085.4. No other fee shall be charged for  
39 filing a paper under this section in addition to the uniform filing  
40 fee provided for in this section.

1 (c) The fee provided in this section shall not be charged for  
2 filing any of the following papers:

3 (1) A petition or application, or opposition, in a guardianship  
4 proceeding under Section 70654.

5 (2) A disclaimer of an interest in a decedent's estate.

6 (d) The fee provided in this section shall not be charged to a  
7 personal representative of a decedent's estate in a proceeding  
8 commenced on or after August 18, 2003, for any petition or  
9 application filed in the proceeding by the personal representative  
10 concerning any of the following actions:

11 (1) Allowance of the personal representative's compensation.

12 (2) Allowance of the compensation for the attorney for the  
13 personal representative.

14 (3) Settlement of accounts.

15 (4) Preliminary and final distributions and discharge.

16 (5) Sale of property of the estate to the personal representative  
17 or to the attorney for the personal representative.

18 (6) Exchange of property of the estate for property of the  
19 personal representative or property of the attorney for the personal  
20 representative.

21 (7) Grant of an option to purchase property of the estate to the  
22 personal representative or to the attorney for the personal  
23 representative.

24 (8) Allowance, payment, or compromise of a claim of the  
25 personal representative, or the attorney for the personal  
26 representative, against the estate.

27 (9) Compromise or settlement of a claim, action, or proceeding  
28 by the estate against the personal representative or the attorney for  
29 the personal representative.

30 (10) Extension, renewal, or modification of the terms of a debt  
31 or other obligation of the personal representative or the attorney  
32 for the personal representative owing to or in favor of the decedent  
33 or the estate.

34 (11) Sale, exchange, or grant of an option to purchase real  
35 property.

36 (12) Borrowing money with the loan secured by an encumbrance  
37 on real property.

38 *SEC. 21. Section 70670 of the Government Code is amended*  
39 *to read:*



1 70670. (a) The uniform fee for filing the first paper in a  
2 proceeding under the Family Code, other than a proceeding for  
3 dissolution of marriage or domestic partnership, legal separation,  
4 or nullity, is three hundred ~~twenty~~ *thirty* dollars ~~(\$320)~~ *(\$330)*.  
5 The fee shall be distributed as provided in Section 68085.3.

6 (b) The uniform fee for filing the first paper in a proceeding for  
7 dissolution of marriage or domestic partnership, legal separation,  
8 or nullity, is three hundred ~~twenty~~ *thirty* dollars ~~(\$320)~~ *(\$330)*.  
9 The fee shall be distributed as provided in Section 68085.3, except  
10 that two dollars (\$2) of the funds that would otherwise be  
11 distributed to the Trial Court Trust Fund shall be transmitted to  
12 the Treasurer for deposit in the Health Statistics Special Fund.

13 (c) The uniform fee for filing the first paper in a proceeding  
14 under subdivision (a) on behalf of any respondent, defendant,  
15 intervenor, or adverse party, whether separately or jointly, is three  
16 hundred ~~twenty~~ *thirty* dollars ~~(\$320)~~ *(\$330)*. The fee shall be  
17 distributed as provided in Section 68085.3.

18 (d) The uniform fee for filing the first paper in a proceeding  
19 under subdivision (b) on behalf of any respondent, defendant,  
20 intervenor, or adverse party, whether separately or jointly, is three  
21 hundred ~~twenty~~ *thirty* dollars ~~(\$320)~~ *(\$330)*. The fee shall be  
22 distributed as provided in Section 68085.3.

23 (e) The fees in this section do not apply to papers filed for the  
24 purpose of making a disclaimer.

25 *SEC. 22. Section 103470 of the Health and Safety Code is*  
26 *amended to read:*

27 103470. The fee for filing the petition is one hundred ~~eighty~~  
28 *ninety* dollars ~~(\$180)~~ *(\$190)*. This fee shall be distributed as  
29 provided in Section 68085.4 of the Government Code. The petition  
30 may be heard by any judge hearing probate matters, or if a probate  
31 department has been designated for hearing probate matters, the  
32 matter shall be assigned to the probate department for hearing.

33 *SEC. 23. Section 7660 of the Probate Code is amended to read:*

34 7660. (a) If a public administrator takes possession or control  
35 of an estate pursuant to this chapter, the public administrator may,  
36 acting as personal representative of the estate, summarily dispose  
37 of the estate in the manner provided in this article in either of the  
38 following circumstances:

39 (1) The total value of the property in the decedent's estate does  
40 not exceed the amount prescribed in Section 13100. The authority

1 provided by this paragraph may be exercised only upon order of  
2 the court. The order may be made upon ex parte application. The  
3 fee to be allowed to the clerk for the filing of the application is  
4 one hundred ~~eighty~~ *ninety* dollars (~~\$180~~) (\$190). The authority for  
5 this summary administration of the estate shall be evidenced by a  
6 court order for summary disposition.

7 (2) The total value of the property in the decedent's estate does  
8 not exceed thirty thousand dollars (\$30,000). The authority  
9 provided by this paragraph may be exercised without court  
10 authorization.

11 (A) A public administrator who is authorized to summarily  
12 dispose of property of a decedent pursuant to this paragraph may  
13 issue a written certification of Authority for Summary  
14 Administration. The written certification is effective for 30 days  
15 after the date of issuance.

16 (B) A financial institution, government or private agency,  
17 retirement fund administrator, insurance company, licensed  
18 securities dealer, or other person shall, without the necessity of  
19 inquiring into the truth of the written certification of Authority for  
20 Summary Administration and without court order or letters being  
21 issued do all of the following:

22 (i) Provide the public administrator complete information  
23 concerning any property held in the name of the decedent,  
24 including the names and addresses of any beneficiaries or joint  
25 owners.

26 (ii) Grant the public administrator access to a safe-deposit box  
27 or storage facility rented in the name of the decedent for the  
28 purpose of inspection and removal of property of the decedent.  
29 Costs and expenses incurred in accessing a safe-deposit box or  
30 storage facility shall be borne by the estate of the decedent.

31 (iii) Surrender to the public administrator any property of the  
32 decedent that is held or controlled by the financial institution,  
33 agency, retirement fund administrator, insurance company, licensed  
34 securities dealer, or other person.

35 (C) Receipt by a financial institution, government or private  
36 agency, retirement fund administrator, insurance company, licensed  
37 securities dealer, or other person of the written certification  
38 provided by this article shall do both of the following:

1 (i) Constitute sufficient acquittance for providing information  
2 or granting access to a safe-deposit box or a storage facility and  
3 for surrendering any property of the decedent.

4 (ii) Fully discharge the financial institution, government or  
5 private agency, retirement fund administrator, insurance company,  
6 licensed securities dealer, or other person from liability for any  
7 act or omission of the public administrator with respect to the  
8 property, a safe-deposit box, or a storage facility.

9 (b) Summary disposition may be made notwithstanding the  
10 existence of the decedent's will, if the will does not name an  
11 executor or if the named executor refuses to act.

12 (c) Nothing in this article precludes the public administrator  
13 from filing a petition with the court under any other provision of  
14 this code concerning the administration of the decedent's estate.

15 (d) Petitions filed pursuant to this article shall contain the  
16 information required by Section 8002.

17 (e) If a public administrator takes possession or control of an  
18 estate pursuant to this chapter, this article conveys the authority  
19 of a personal representative as described in Section 9650 to the  
20 public administrator to summarily dispose of the estates pursuant  
21 to the procedures described in paragraphs (1) and (2) of subdivision  
22 (a).

23 (f) The fee charged under paragraph (1) of subdivision (a) shall  
24 be distributed as provided in Section 68085.4 of the Government  
25 Code. When an application is filed under that paragraph, no other  
26 fees shall be charged in addition to the uniform filing fee provided  
27 for in Section 68085.4 of the Government Code.